

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELISSA ANN BOUTWELL,

Defendant.

CR-15-17-GF-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S PRETRIAL RELEASE**

United States Magistrate Judge John Johnston issued Finding and Recommendations in this matter on July 20, 2015. (Doc. 31). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review the Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court conducted a revocation hearing on July 16, 2015. (Doc. 30). The Court found that Boutwell had violated special condition (a), special condition (l), and special condition (m) of her pretrial release by clear and convincing evidence. (Doc. 31). The Court concluded that no condition or set of conditions could ensure

Boutwell's future appearance in court or that she will not be a danger to the community. *Id.* Judge Johnston recommends that this Court revoke Boutwell's pretrial release. *Id.* Judge Johnston further recommends that Boutwell to remain in custody pending further proceedings. *Id.*

The Court finds no clear error in Judge Johnston's findings and recommendations, and adopts them in full. Boutwell's violations of the conditions of her pretrial release constitute a breach of the Court's trust. Boutwell's continued substance abuse poses a danger to herself and the community. Boutwell's continued failure to submit to supervision and report to the probation officer as directed indicates that she may not appear in court as directed.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 31) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Melissa Ann Boutwell's pretrial release is revoked and she shall remain in custody pending future proceedings.

DATED this 4th day of August, 2015.



Brian Morris
United States District Court Judge